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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,377	02/27/2002	Esko Aulanko	1381-0287P	5833
2292	7590	03/03/2004		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
			EXAMINER HURLEY, SHAUN R	
			ART UNIT 3765	PAPER NUMBER 3
DATE MAILED: 03/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/083,377

Applicant(s)

AULANKO ET AL.

Examiner

Shaun R Hurley

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/337,739.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/337739, filed on 22 June 1999.

Claim Objections

2. Claim 5 is objected to because of the following informalities:

Lines 5, "rope of formed" reads poorly.

Line 7, "each rope" is improper since there is only one rope.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what Applicant is attempting to claim. What is meant by a good friction coefficient? To what degree is this measured? What is the difference between this and any other friction coefficient? The ordinarily skilled artisan would be unable to determine to what degree this friction coefficient should be present.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 9, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Sayegh et al (5253318).

Sayegh teaches a flat rope (Figures 1, 6, 7) capable of hoisting and being made of synthetic material wherein the tensile strength of the rope is provided by longitudinal aramid fibers (Column 3, line 33) arranged in the form of at least one fabric which is surrounded by a binding sheath of polyurethane (Column 4, lines 40-45; inherently has a good friction coefficient), the fabric being either cross-ply or woven (Column 5, lines 3-15).

7. Claims 1-3, 5, and 9, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Stuemky et al (4990125).

Stuemky teaches a flat rope (Figure 2) capable of hoisting and being made of synthetic material wherein the tensile strength of the rope is provided by longitudinal aramid fibers (Column 3 line 65) arranged in the form of spaced bundled strands (25, 26) surrounded by a binding sheath of polyurethane (Column 3 line 42; inherently has a good friction coefficient).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayegh in view of O'Donnell et al (5881843).

Sayegh essentially teaches the invention as discussed above, but fails to specifically teach an additional wear-resistant coating in addition to the already provided polyurethane. O'Donnell teaches that coating a cable with an additional coating of wear-resistant material is well known in the art (44). It would have been obvious to one of ordinary skill in the art at the time the invention was made, in this case a cable maker, to coat the cable of Sayegh with a wear-resistant material, so as to provide for a longer lifetime by providing two layers to wear. The ordinarily skilled artisan would have understood and appreciated the added use gained by coating the cable in a manner known in the art and consistent with the materials present.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stuemky in view of O'Donnell et al (5881843).

Stuemky essentially teaches the invention as discussed above, but fails to specifically teach an additional wear-resistant coating in addition to the already provided polyurethane. O'Donnell teaches that coating a cable with an additional coating of wear-resistant material is well known in the art (44). It would have been obvious to one of ordinary skill in the art at the time the invention was made, in this case a cable maker, to coat the cable of Sayegh with a wear-resistant material, so as to provide for a longer lifetime by providing two layers to wear. The ordinarily skilled artisan would have understood and appreciated the added use gained by coating the cable in a manner known in the art and consistent with the materials present.

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Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Peterson et al (5516986) and Vance, Sr. (3911755) both teach what is well known in the art.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun R Hurley whose telephone number is (703) 605-1236. The examiner can normally be reached on Mon - Fri, 6:30am - 3:00pm, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRH
25 February 2004


JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700